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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,802	10/17/2000	Petteri Putkiranta	042933/321132	1591
826	7590	06/28/2007	EXAMINER HO, HUY C	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			ART UNIT	PAPER NUMBER 2617
		MAIL DATE 06/28/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/646,802	PUTKIRANTA, PETTERI
	Examiner	Art Unit
	Huy C. Ho	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 13 April 2007.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 September 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/13/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed

before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**4. Claims 1-4 and 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Granberg et al. (6101387).**

Consider claim 1, (Previously Presented) Granberg discloses a communications system having base stations for providing mobile stations with communications links and at least one localized service area (see the abstract, col 1 lines 25-35, where Granberg discusses a mobile communication system comprising base station, mobile stations and plurality of location areas for providing services to mobile subscribers), comprising:

Granberg discloses a service server which is arranged to maintain information concerning the location of mobile stations in localized service areas and to generate requests for changing the service selection offered to mobile stations in response to receiving, from the mobile stations, mobile station generated messages describing the location of the mobile stations in relation to localized service areas (see figure 2; figure 4 numbers 22; col 6 lines 5-45, col 7 lines 1-15); and

Granberg discloses means for changing the service selection offered to a mobile station by the communications system in response to an indication of the arrival of the mobile station in said localized service area, which indication is a message generated by said mobile station (see the abstract, col 2 lines 15-30, col 3 lines 40-50, col 6 lines 5-18).

Consider claim 7, (Previously Presented) Granberg discloses a method for changing the service selection offered to a mobile station in a communications system that has base stations for providing mobile stations with communications links (the abstract, col 2 line 14-30), comprising the steps of: receiving from the mobile station a message indicating that the mobile station has detected that it is in the localized service area (col 6 lines 5-18);

generating information about the arrival of a mobile station in a localized service area (col 6 lines 5-30); and

changing the service selection offered to said mobile station by the communications system (col 7 lines 15-35).

**Consider claim 2, (Previously Presented)** Granberg discloses the communications system of claim 1, comprising:

an application server to provide mobile stations with different services in response to a request generated by the service server for changing the service selection (see **figure 4, col 7 lines 1-15**).

**Consider claim 3, (Previously Presented)** The communications system of claim 2, Granberg discloses wherein said service server is the same as said application server (see **figure 4, col 7 lines 1-15**).

**Consider claim 4, (Previously Presented)** The communications system of claim 1, Granberg discloses wherein it is adapted so as to change a localized service selection offered to a mobile station in response to a notification sent by the mobile station on its arrival in a localized service area (see the **abstract, col 2 lines 15-30, col 3 lines 40-50, col 6 lines 5-18**).

**Consider claim 8, (Previously Presented)** The method of claim 7, Granberg discloses wherein in response to the information about the arrival of a mobile station in a localized service area a predetermined additional service is offered to the mobile station (see **figure 3, col 6 lines 20-45, col 7 lines 25-35, 60-65**).

**Consider claim 9, (Previously Presented)** The method of claim 8, Granberg discloses wherein said additional service involves the sending of announcements to the mobile station (see **figure 3, col 6 lines 20-45, col 7 lines 25-35, 60-65**).

**Consider claim 10, (Previously Presented)** The method of claim 7, Granberg discloses wherein in response to the information about the arrival of a mobile station in a localized service area the quantity

of services offered to the mobile station by the communications system is reduced (see col 2 lines 45-67, col 3 lines 1-2).

**Consider claim 11, (Previously Presented)** The method of claim 7, Granberg discloses the steps of:

communicating a message indicating the arrival of a mobile station in a localized service area to a service server (col 6 lines 20-67, col 7 lines 1-15, 35-67);

checking what services should be offered to the mobile station in that localized service area (col 6 lines 20-67, col 7 lines 1-15, 35-67);

communicating a request for the services to be offered to an application server providing the services (col 6 lines 20-67, col 7 lines 1-15, 35-67); and

providing, by the application server, a service to the mobile station (col 6 lines 20-67, col 7 lines 1-15, 35-67).

**Consider claim 12, (Previously Presented)** The method of claim 11, Granberg discloses: the step of communicating a request to an application server comprises the step of (see figures 3 and 4, col 6 lines 20-25):

communicating the request for the services to be offered to at least two application servers providing services (col 6 lines 20-67, col 7 lines 1-15, 35-67), and

the step of providing, by the application server, a service to the mobile station comprises the step of (see figures 3 and 4, col 6 lines 20-25):

providing, by each application server to which the request for the services to be offered was made, a service to the mobile station (col 6 lines 20-67, col 7 lines 1-15, 35-67).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Granberg et al. (6,101,387)** and further in view of **Buss et al. (5,539,395)**.

**Consider claim 5, (Previously Presented)** A cellular mobile station having a control block, comprising:

Granberg discloses recognizing a localized service area on which localized services are controlled by a services server (col 3 lines 18-30, 40-50, col 6 lines 5-17); wherein the mobile station is adapted so as to send a notification of its arrival in the localized service area to the services server in response to the recognition of the localized service area, said notification being intended as an impulse for changing the service selection offered to the mobile station (see the abstract, col 2 lines 15-30, col 3 lines 20-50, col 6 lines 5-45, col 7 lines 1-15).

Granberg does not specifically show memory means adapted so as to store the information in a mobile station. In an analogous art, Buss teaches a portable device comprising a memory for storing and

retrieval of data (see the abstract, figure 3 number 80). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Granberg teachings, and have memory means adapted so as to store the information in a mobile station, as discussed by Buss to have memory means adapted so as to store the information required for recognizing a localized service area on which localized services are controlled by a services server.

**Consider claim 6, (Previously Presented)** The mobile station of claim 5, Granberg, as modified by Buss, discloses wherein said memory means is located in a removable memory unit (col 3 lines 1-20, col 5 lines 15-30).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy C. Ho whose telephone number is (571) 270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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